

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CHAD CALHOUN (1)**

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**Case No. 6:15-cr-17**

**ORDER**

Before the Court is Defendant Chad Calhoun’s Motion for Judgment of Acquittal and for Conditional Grant of a New Trial (Doc. No. 78). On December 29, 2015, the Government filed its opposition (Doc. No. 84), and on December 29, 2015, the Government filed its amended opposition (Doc. No. 85). On December 10, 2015, after a two-day trial, the jury returned a verdict finding Defendant guilty of receiving child pornography in violation of 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1), and guilty of possessing a device containing child pornography in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2). During trial, after the close of the Government’s case in chief, Defendant made an oral motion for judgment of acquittal based on an insufficiency of the evidence to support a finding of guilt. After hearing argument from counsel, the Court denied the motion. Defendant now renews his motion.

Having considered Defendant’s argument and the evidence presented during trial, the Court finds sufficient evidence to support the jury’s findings and finds that the evidence does not “preponderate[] heavily against the verdict such that it would be a miscarriage of justice to let the verdict stand.” *See United States v. Fuchs*, 467 F.3d 889, 910 (5th Cir. 2006). Therefore, and for

the reasons stated in the Government's response, the Court denies Defendant's Motion in its entirety (Doc. No. 78).

**It is SO ORDERED.**

**SIGNED this 13th day of May, 2016.**

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE